

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

ENRIQUE R. BAUTISTA,  
Petitioner,

08-CV-546-PK

ORDER

v.

MARK NOOTH,  
Respondent.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#35) on March 15, 2011, in which he recommended the Court deny the Petition (#1) for Writ of Habeas Corpus of Petitioner Enrique R. Bautista and dismiss this matter with prejudice. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Petitioner reiterates the arguments contained in his Petition for Writ of Habeas Corpus and Memorandum in Support of Petition for Habeas Corpus. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#35), **DENIES** the Petition (#1) for Writ of Habeas Corpus, and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 31<sup>st</sup> day of May, 2011.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge